



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 3963-00
7 December 2000

MGYSGT [REDACTED] SMCR
[REDACTED]
[REDACTED]

Dear Master Gunner [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 29 September 2000 with enclosure, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

3963-00



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1740
MMSR-6J
29 Sep 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF MASTER GUNNER [REDACTED]
[REDACTED] USMCR

Ref: (a) MMER Route Sheet of 8Sep00, Docket No. 3963-00

Encl: (1) MMSR-5 Comment 1800 MMSR-5J of 29Sep00

1. The reference seeks an advisory opinion on Master Gunnery Sergeant [REDACTED] petition to correct his record to reflect a transfer of sixteen Reserve Retirement points from the anniversary year ending 2 June 1982 to the anniversary year ending 2 June 1981.

2. As explained in the enclosure, the transfer of points requested by Master Gunnery Sergeant [REDACTED] would not change his status in the Marine Corps Reserve, or benefit him in any way when he retires. We, therefore, can not support the petition of manipulating points to another anniversary year, since the correction of Master Gunnery Sergeant [REDACTED] record is not warranted.

[REDACTED]
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps

1800
MMSR-5J
29 Sept 00

MMSR-5 COMMENT on MMER Route Sheet of 13 Sep 00

Subj: ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
MASTER GUNNERY SERGEANT [REDACTED]
[REDACTED] USMCR

Ref: (a) Chairman, Board for Correction of Naval Records
Ltr Docket No: [REDACTED]

1. We have reviewed the reference and provide the following comments:

a. Master Gunnery Sergeant [REDACTED]'s request to transfer sixteen Reserve Retirement points from the anniversary year 3 June 1981 - 2 June 1982 to anniversary year 3 June 1980 - 2 June 1981, is a reasonable request on the surface.

b. The circumstances surrounding Master Gunnery Sergeant [REDACTED] clearly reflect the "classic" example of a conflict between fiscal year training requirements and anniversary year drill accounting. The conflict in certain situations results in a member being unfairly accessed with a non-qualifying year, which could impact on his retirement eligibility.

c. The key difference in this case though is Master Gunnery Sergeant [REDACTED] has already qualified for his Reserve Retirement with over twenty-three qualifying years. His request, if granted, will have absolutely no impact on his retired pay at age sixty since the qualifying years computation is calculated by subtracting his sixtieth birth date from his Pay Entry Base Date (PEBD).

2. We recommend the following:

The Board for Correction of Naval Records (BCNR) disapprove Master Gunnery Sergeant [REDACTED] request for the reasons stated above.

3. If you have any questions please call Master Gunnery Sergeant [REDACTED]
Hum [REDACTED]
[REDACTED]
[REDACTED]